

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KRIS EVANOW ,
Plaintiff,

v.

TRIDENT SEAFOODS CORPORATION,
Defendant.

CASE NO. C23-0995-KKE

ORDER GRANTING UNOPPOSED
MOTION TO AMEND COMPLAINT

Plaintiff Kris Evanow moves to amend the complaint. Dkt. No. 27. Defendant Trident Seafoods Corporation does not oppose the motion. Dkt. No. 29. Because Plaintiff's motion is timely and satisfies Federal Rule of Civil Procedure 15(a)(2), the Court grants the unopposed motion to amend.

On July 4, 2023, Plaintiff filed this complaint arising from injuries Plaintiff sustained aboard the F/V Pacific Viking while employed by Defendant. Dkt. No. 1. On the deadline to amend pleadings, April 30, 2024 (Dkt. No. 26), Plaintiff filed this motion to amend the complaint, seeking to add allegations that F/V Pacific Viking was "bareboat chartered by Defendant" (Dkt. No. 1-2 ¶ 3) and that Defendant failed to provide timely and reasonable medical care (*id.* ¶ 7(e)). Defendant filed a response taking "no position whether Plaintiff has met his burden and does not oppose Plaintiff's motion to amend his complaint." Dkt. No. 29.¹

¹ The Court's local rules provide that "[e]xcept for motions for summary judgment, if a party fails to file papers in opposition to a motion, such failure may be considered by the court as an admission that the motion has merit." Local Rules W.D. Wash. LCR 7(b)(2).

1 Rule 15(a)(2) requires courts to “freely give leave [to amend pleadings] when justice so
2 requires.” Fed. R. Civ. P. 15(a)(2). Under this rule, courts may decline leave to amend only if
3 there is strong evidence of undue delay, bad faith or dilatory motive, repeated failure to cure
4 deficiencies, undue prejudice to the opposing party, or futility of amendment. *Sonoma Cnty. Ass’n*
5 *of Retired Emps. v. Sonoma Cnty.*, 708 F.3d 1109, 1117 (9th Cir. 2013) (quoting *Foman v. Davis*,
6 371 U.S. 178, 182 (1962)). The Court need not consider every factor, and “prejudice to the
7 opposing party [] carries the greatest weight.” *Eminence Cap., LLC v. Aspeon, Inc.*, 316 F.3d
8 1052 (9th Cir. 2003). Plaintiff has not amended the complaint previously and neither party
9 identifies any undue delay, bad faith, or prejudice to Defendant.

10 For these reasons, the Court GRANTS Plaintiff’s motion to amend the complaint. Dkt.
11 No. 27. Plaintiff shall file a clean, non-redlined, version of the amended complaint (Dkt. No. 27-
12 2) by May 28, 2024.

13 Dated this 22nd day of May, 2024.

14 

15 _____
16 Kymberly K. Evanson
United States District Judge